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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,575

11/29/2006

Heino Heckmann

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04/08/2010

CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE, NC 28205

EXAMINER

VAJDA, PETER L

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

04/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,575	Applicant(s) HECKMANN ET AL.	
	Examiner PETER L. VAJDA	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietz *et al.* (US Patent 5,318,627).

Dietz teaches the pigment dispersant/pigment combination claimed as a colorant by the applicant in pending claim 1 (Col. 4 ln. 18 – Col. 5 ln. 35). Specifically, Dietz teaches a base pigment of formula (I) which has the exact structure as the applicant's base pigment in pending claim 1. Furthermore, Dietz teaches pairing the pigment of formula I with a pigment dispersant of formula (II), wherein formula II is represented by Q-[Y-X]_m. In formula (II) of Dietz, Q is an m-valent radical of the base pigment of formula (I), Y is a bridge forming group defined by the same linking groups as the applicant's Y group in formula (II) of pending claim 1, and X is the radical or an aliphatic or aromatic five or six-membered heterocyclic system bound to bridging member Y via a carbon atom and is defined the same as the applicant's X in pending claim 1 (Col. 4 ln. 35-68). Dietz further teaches that dioxazine compounds of the class of pigment dispersants of formula (II) that are particularly useful have the composition of formula (III), which is the same as the applicant's formula (III) recited in pending claim 4. The applicant further defines Y and X in pending claims 2 and 3 to include different linkages

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(in the case of Y) and different radicals (in the case of X), however, Dietz also teaches that Y and X may be selected from many, if not all, of the linkages and radicals listed in pending claims 2 and 3 (Col. 4 ln. 35 – Col. 5 ln. 54). Furthermore, *m* in formula (II) of Dietz is taught to be a number of from 0.1 to 4 (Col. 5 ln. 27-34). Additionally, the pigment dispersant of formula (II) is taught by Dietz to be added to the pigment preparation in an amount of from 0.1 to 25% by weight of the base pigment of formula (I) (Col. 6 ln. 3-13). The pigment preparation taught by Dietz is taught to be especially useful in printing inks or toners by adding the pigment preparation to high-molecular weight organic materials (i.e. binder resins of toners) (Col. 7 ln. 23-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz *et al.* (US Patent 5,318,627) in view of Coffey (US PGP 2002/0119314).

The complete discussion of Dietz *et al.* above is incorporated herein. Dietz, however, does not teach that the pigment may be shaded with other pigments or dyes.

Coffey teaches colorized rubber particles that are colored by inorganic or organic pigments. As a suitable pigment, Coffey teaches the use of C.I. Pigment Violet 23 (which has the same formula as the formulas (I) of Dietz and the applicant) and teaches

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that pigment dispersions may be blended together to produce many different colors and shades of color (p. 3 [0024-27]).

Both Dietz and Coffey teach the use of colorants containing pigments to color high molecular weight organic materials (such as polymers, resins and rubbers). Coffey teaches that by blending multiple pigments together different shades of color can be produced. Dietz is not directed towards an invention wherein one specific color is desired, but instead teaches that pigment preparation (pigment and pigment dispersant) are especially useful in toner particles, which are available in many different shades. Therefore, it would have been obvious to any person of ordinary skill in the art at the time of the invention to have employed the well known process of blending pigments to achieve different shades taught by Coffey to the pigment preparation taught by Dietz *et al.* This would have allowed for the production of many different shades and colors of pigment and since Dietz directs the invention towards use in toner particles, one of ordinary skill in the art would have certainly appreciated the benefit of shading the pigment preparation of Dietz *et al.* to obtain different shades of dye.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER L. VAJDA whose telephone number is (571)272-7150. The examiner can normally be reached on 7:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark F. Huff/
Supervisory Patent Examiner, Art Unit 1795

/PLV/ 03/31/2010